

State Elections Enforcement Commission



2016 REGISTRAR OF VOTERS CONFERENCE

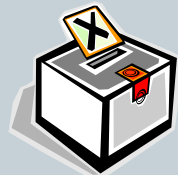
Kevin M. Ahern – Staff Attorney
Law Enforcement Unit

Duties and Responsibilities of Commission Staff

- Investigate Complaints and Enforce Law
- Assist candidates and campaign staff
- Research and answer questions about campaign finance compliance
- Provide Campaign Finance Education Seminars
- Perform Audits
- Recommend Legislative Changes
- Administer and Maintain Electronic Campaign Reporting Information System (eCRIS)



Elections Ecosystem



	<i>Compliance</i>	<i>Execution</i>	<i>Law Enforcement</i>
<i>Campaign Finance</i>	SEEC/FEC	SEEC/FEC & Town Clerks	<u>SEEC/FEC</u> (& State's Attorney/FBI)
<i>Election Administration</i>	SOTS/EAC	SOTS, <u>Registrars</u> & Town Clerks	<u>SEEC</u> (& State's Attorney/FBI)

Discussion Points



- Key SEEC cases since April 2015.
 - 8 Cases
- Anonymity of Cases
- Questions/Hypotheticals



Conflict of Laws and Curbside Voting



- Case Citation: File No. [2012-097](#)
- Facts:
 - Children barred from polling place by asbestos mitigation.
 - ROVs/moderator instituted curbside voting for conflicted voters.
 - General Statutes § [9-261 \(b\)](#)



Conflict of Laws and Curbside Voting



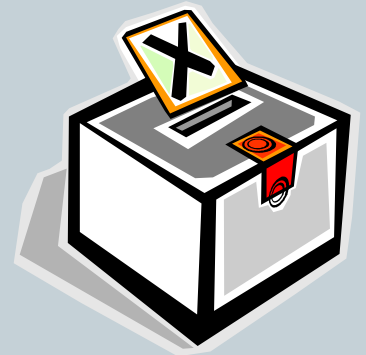
- HOLDINGS:
 - ROVs shouldn't enforce laws outside of Title 9 when those laws conflict with their statutory responsibilities. See also, File No. [2013-133](#).
 - Curbside voting only for those voters who experience a temporary physical/mental incapacity at the polling place.
 - *However*, no requirement to question veracity of the claimed incapacity



Accessibility of the Polling Place



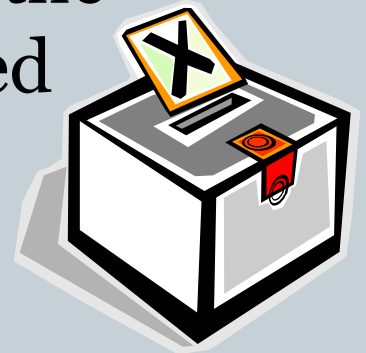
- **CASE:** [File No. 2014-039](#)
- **FACTS:**
 - OPA inspected interior and exterior conditions at polling places throughout municipality on day of election
 - Complaint filed alleging various non-compliance issues.



Accessibility of the Polling Place



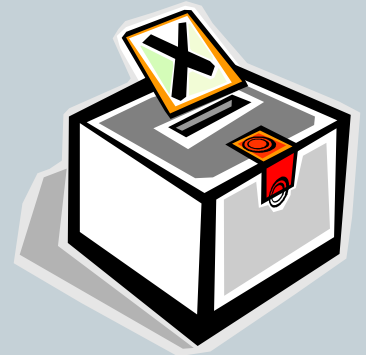
- **LAW:** General Statutes §§ [9-168d](#), [9-168e](#), [9-247](#), and [29-269](#). [Section 9-242a-11](#) of the Regulations of Connecticut State Agencies
- **HOLDING:**
 - Polling places must be compliant with the above statutes or appropriately exempted therefrom



Calling a Discrepancy Recanvass



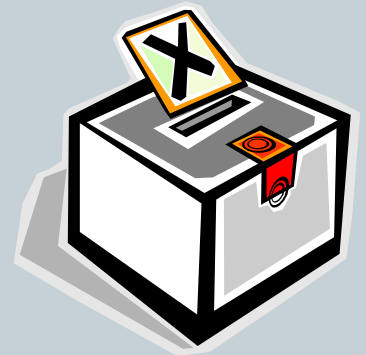
- **CASE:** [File No. 2013-170A](#)
- **FACTS:**
 - Municipal Election Day with popular write-in candidate.
 - Head moderator suspected write-in votes undercounted based on anecdotal information from one moderator and interviews w/other moderators
 - Called recanvass based on the above.
 - Complainant disputed head moderator's authority to call recanvass under the facts



Calling a Discrepancy Recanvass



- **LAW:** General Statutes § [9-311](#)
- **HOLDING:**
 - Sole responsibility of the head moderator to determine if discrepancy recanvass should be declared.
 - Section 9-311 does not prescribe a specific method that a moderator must apply.



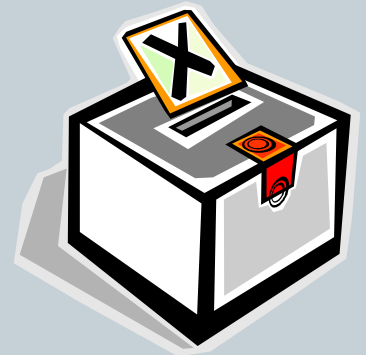
Proper Impoundment for Recanvass



- **CASE:** [File No. 2013-170B](#)

- **FACTS:**

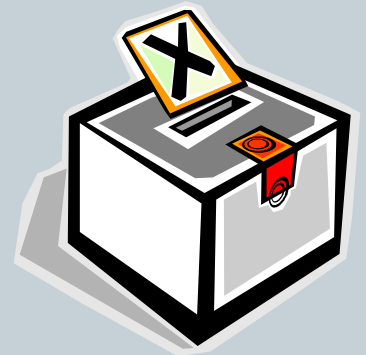
- Discrepancy recanvass called
- Tabulators, ballots and all other election materials sealed and stored in locked vault
- Access to vault recorded w/log of individual, time, and purpose.
- Complaint alleged that impoundment was improper.



Proper Impoundment for Recanvass



- **LAW:** General Statutes § [9-310](#)
 - If it is determined that a recanvass is required pursuant to section 9-311 or 9-311a, immediately upon such determination the tabulators, write-in ballots, absentee ballots, moderators' returns and all other notes, worksheets or written materials used at the election shall be impounded at the direction of the Secretary of the State.
 - *What constitutes proper impoundment?*

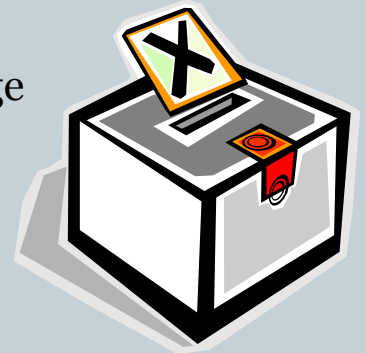


Proper Impoundment for Recanvass



- **HOLDING:**

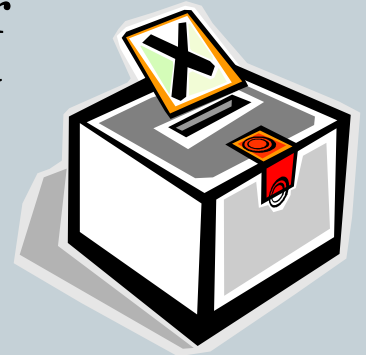
- Impoundment instructions in the [*SOTS Recanvass Procedure Manual*](#) and [*Moderator's Handbook*](#) should be followed.
- Registrars properly effected proper impoundment because:
 - The impounded materials were stored under lock and key in a storage location not generally accessible;
 - The storage location remained locked at all times;
 - Access to the storage location was exclusively controlled by the Office of the Registrars of Voters;
 - A log was maintained of all persons having access to that storage location;
 - The log showed the names, dates, times, and, in substantial part, the purposes for all persons having access to that storage location;



Influencing Voters Against Using an Absentee Ballot



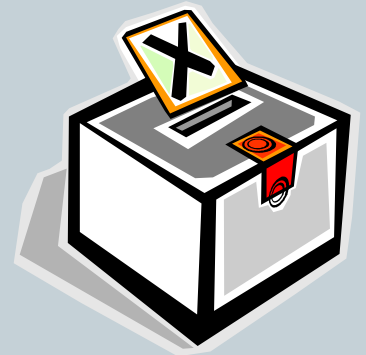
- **CASE:** [File No. 2012-009](#)
- **FACTS:**
 - Supervised AB ahead of Muni primary
 - Respondent shows up at supervised AB site and actively encourages voters to vote at polls instead of by supervised AB
 - Issue: Do these facts constitute influencing or attempting to influence an elector to stay away from an election?



Influencing Voters Against Using an Absentee Ballot



- **LAW:** General Statutes § [9-135](#), [9-363](#), [9-364](#), [9-364a](#)
- **HOLDING:**
 - Perhaps!
 - Facts unsubstantiated--case dismissed.
 - Stay alert for this activity and refer to SEEC!



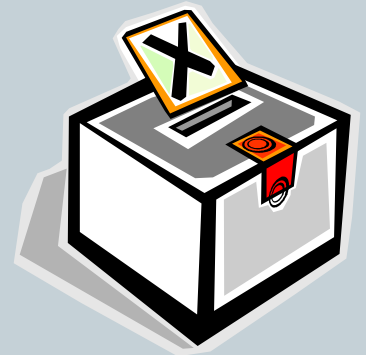
Role/Rights of Unofficial Checkers



- **CASE:** [File No. 2014-173](#)

- **FACTS:**

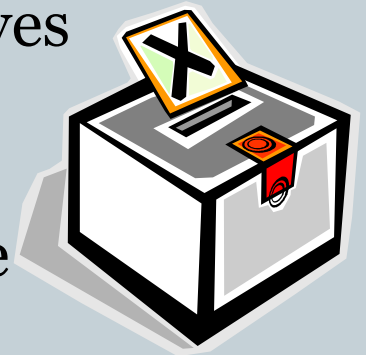
- Unofficial checkers complain because they are seated 6 feet from official checkers table and cannot hear all voters' names
- Complainant says there was failure by elections officials to to assure that each voter speaks name “in a tone sufficiently loud and clear as to enable all the election officials present to hear the same,” including unofficial checkers. Was the Complainant right?



Role/Rights of Unofficial Checkers



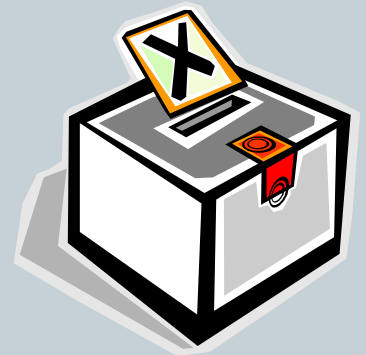
- **LAW:** General Statutes §§ [9-235](#) & [9-261](#).
[Moderator's Handbook](#) (Revision 2.1 —July, 2013).
SOTS Opinion, Nov. 20, 1992.
- **HOLDING:**
 - Unofficial checkers' rights in the polling place very limited
 - Law doesn't require voters to repeat themselves if official checker can hear
 - SEEC encourages ROVs to tell moderators to accommodate unofficial checkers (or not name them)



College Student Voter ID and EDR



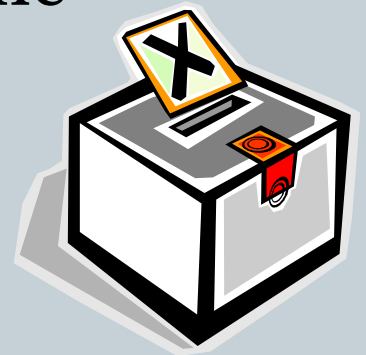
- **CASE:** [File No. 2014-159](#)
- **FACTS:**
 - Town with college campus
 - ROVs allowed students residing in dorms on campus to use college ID and letter from bursar to register and vote using Election Day Registration



College Student Voter ID and EDR



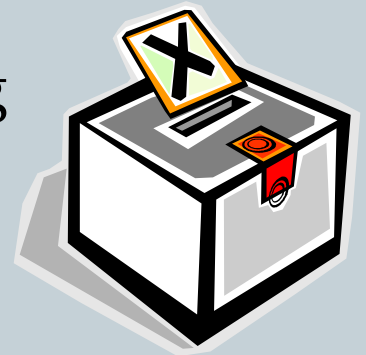
- **LAW:** General Statutes §§ [9-19j](#) (d), [9-20](#)
- **HOLDING:**
 - Moderators permitted to accept college ID and letter from bursar pursuant to §§ 9-19j (d), 9-20, as well as written opinion of the Secretary of the State



Adjourned Town Meeting and 75' Rule



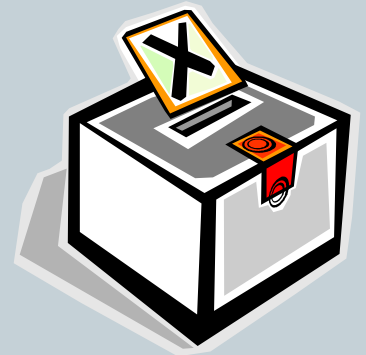
- **CASE:** [File No. 2014-146](#)
- **FACTS:**
 - Respondent handing out electioneering materials in auditorium of school in which Town Meeting is occurring to discuss item Respondent opposes.
 - Upon Town Meeting adjournment, immediate referendum is triggered, and voting occurs in adjoining room.
 - Complaint alleges that handing out flyers after adjournment was a violation of 75' rule.



Adjourned Town Meeting and 75' Rule



- **LAW:** General Statutes § [9-236](#).
- **HOLDING:**
 - 75' rule only applies during the hours of voting for an election or referendum, not a Town Meeting
 - Electioneering anywhere in the building during the Town Meeting was permissible.
 - BUT, once the Town Meeting was adjourned and the referendum triggered, electioneering was no longer permissible within the 75' zone in § 9-236



Where to Find SEEC Cases



- Online
 - www.ct.gov/seec
 - Click “[Commission Decisions](#)” in left nav bar
 - Search by keyword, or pick case from list.
 - E-mail “seec@ct.gov” if you can’t find a case
- SEEC Library
 - 20 Trinity St., Hartford, CT
 - Every SEEC legal decision bound and organized by year and category.

